REMARKS

In the Office Action[1], the Examiner rejected claims 24, 25, 31-33, 39, 40, 43, 47, and 53 under 35 U.S.C. § 103(a) as being unpatentable over U.S Patent 6,400,392 to Yamaguchi et al. ("Yamaguchi"), in view of U.S. Patent 5,524,198 to Matsumoto et al. ("Matsumoto"), further in view of U.S. Patent 6,532,593 to Moroney ("Moroney"), further in view of U.S. Patent 5,838,368 to Masunaga et al. ("Masunaga") [2]; rejected claims 26, 27, 30, 34, and 46 as being unpatentable over Yamaguchi, Matsumoto, Moroney, and Masunaga, further in view of U.S. Patent 6,111,517 to Atick et al. ("Atick"); and rejected claims 23 and 41 as being unpatentable over Yamaguchi, Matsumoto, Moroney, and Masunaga, further in view of U.S. Patent 6,799,208 to Sankaranarayan et al. ("Sankaranarayan").

By this amendment, Applicant amends claims 43 and 53. Claims 23-27, 30-34, 39-41, 43, 46, 47, and 53 are currently pending.

Applicant respectfully traverses the rejection of claims 24, 25, 31-33, 39, 40, 43, 47, and 53 as being unpatentable over Yamaguchi in view of Matsumoto, Moroney, and Masunaga.

Independent claim 43, for example, recites a method comprising:

> maintaining a counter of a number of refreshes that have occurred and a timer of a refresh time since the last image refresh, the refresh frequency rate being evaluated based on the counter and the timer;

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[1] The Office Action may contain statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

[2] Applicant notes that the Office Action provides a rejection for claims 28 and 37, however, claim 28 was canceled in Applicant's response filed March 15, 2006, and claim 37 was canceled in Applicant's response filed October 7, 2009. Accordingly, the rejection of claims 28 and 37 is moot.

> determining whether the user is inactive, and whether to refresh the image based on a value of the timer and the refresh frequency rate, and incrementing the counter when the image is refreshed; [and]
>
> re-evaluating the refresh frequency when the counter reaches a preset threshold value, wherein the re-evaluation of the refresh frequency causes the rate to increase, decrease, or completely stop refreshing of the image

(emphases added). Yamaguchi, Matsumoto, Moroney, and Masunaga, taken alone or in combination, fail to teach or suggest at least these claimed features.

In the Office Action, the Examiner relies on the newly cited reference of Masunaga as allegedly curing the deficiencies of Yamaguchi, Matsumoto, and Moroney, alleging that Masunaga discloses the claimed aspects of refreshing an image according to a refresh frequency rate and maintaining a counter of the number of refreshes, and re-evaluating the rate when the counter reaches a threshold. *See* Office Action at 4. Applicant respectfully disagrees, for at least the reasons set forth below.

Masunaga is directed to a camera control system for "smoothly carrying out various operations on a video camera, such as panning, tilting, zooming and adjustment of the amount of exposure from a remote place." Masunaga, col. 1, ll. 9-12. Due to the remote controlling of the camera system, "a considerably long period of time is necessary until the image picked up by the video camera 1 comes to be displayed on the monitor TV set . . . ." Masunaga, col. 7, ll. 13-15. Due to this delay, an overrun typically occurs between the user's intended panning/tilting/zooming/adjustment of exposure, resulting in a darker or brighter image than the user intended. *See* Masunaga, col. 7, ll. 40-47. Thus, Masunaga is designed to correct this overrunning between the camera systems.

To coordinate the camera systems, a presettable up/down counter is used, and upon receiving a command, "count pulses are sent out from the count pulse output terminal CP of the control unit 6 to the presettable up/down counter 15, [and] the data output from the digital output terminal DO of the presettable up/down counter 15 varies in synchronism with the count pulses." Masunaga, col. 10, ll. 63-67. "The data comparison circuit 17 detects the difference by comparing these data and gives a right turn instruction output R, a left turn instruction output L or a stop instruction output C to the panhead driving circuit 5 according to the difference thus detected." Masunaga, col. 11, ll. 3-7. "[W]hen the operation on the joystick 13 comes to a stop, this state (the stopping action) is transmitted from the control unit 14 to the control unit 6 via the communication control part 19 . . . [and] [u]pon receipt of information on this state, the control unit 6 steps the output of the up-count instruction . . . or that of the down-count instruction . . . ." Masunaga, col. 12, ll. 5-12.

Thus, Masunaga discloses that up-count and down-count "counters" keep track of a value provided by the controller for the camera, and coordinates the remote camera with the counter to prevent overrun of the camera beyond where the user intended the camera to stop. The Examiner alleges that Masunaga discloses maintaining a counter of the number of refreshes, as recited in claim 43, and cites to column 11, lines 16-31 and column 12, lines 4-21 of Masunaga, further alleging "wherein the refresh rate is the delay time before sending an image, the up/down counter counts based on the delay time, stopping the refresh is stopping the outputting of the counter." Office Action at 4. Applicant respectfully disagrees. The teachings of Masunaga, specifically of counting the number of adjustments to a camera position or setting, is an entirely different

concept from "maintaining a counter **of a number of refreshes** that have occurred," as recited in claim 43 (emphasis added). The Examiner appears to equate a command directing a camera to pan/tilt/zoom/adjust exposure, as disclosed in Masunaga, with an image refresh as recited in the claims.

However, there is nothing in the disclosure of Masunaga for counting the number of refreshes that occur of the image, indeed, the up-counter or down-counter of Masunaga may indicate "reduce exposure by two stops of light" or "pan right" twice, but the actual image displayed may be refreshing at a much higher rate. There is no corresponding relationship between the up-counter and down-counter of Masunaga and any "number of refreshes that have occurred" as recited in claim 43, and thus Masunaga does not disclose or suggest "a counter of a number of refreshes that have occurred," as recited in claim 43.

Furthermore, there is simply no discussion of any preset threshold value for the counter in Masunaga, and the Examiner does not even cite to any preset threshold value. In contrast, claim 43 recites that the counter counters "a number of refreshes that have occurred," and subsequently, "re-evaluat[es] the refresh frequency rate **when the counter reaches a preset threshold value** . . ." (emphasis added). There is no preset threshold value in Masunaga. Masunaga therefore does not cure the deficiencies of Yamaguchi, Matsumoto, and Moroney.

Additionally, Applicant has amended independent claim 43 to recite the inclusion of a "timer of a refresh time since the last image refresh," and "determining . . . whether to refresh the image based on the time and the refresh frequency rate, and incrementing the counter when the image is refreshed." Combinations of Yamaguchi,

Matsumoto, Moroney, and Masunaga do not determine any refreshing of any image based on the value of a timer and the refresh frequency rate.

Accordingly, Yamaguchi, Matsumoto, Moroney, and Masunaga, taken alone or in combination, fail to teach or suggest "maintaining a counter of a number of refreshes that have occurred and a timer of a refresh time since the last image refresh, the refresh frequency rate being evaluated based on the counter and the timer; determining whether the user is inactive, and whether to refresh the image based on a value of the timer and the refresh frequency rate, and incrementing the counter when the image is refreshed; [and] re-evaluating the refresh frequency when the counter reaches a preset threshold value, wherein the re-evaluation of the refresh frequency causes the rate to increase, decrease, or completely stop refreshing of the image," as recited in amended independent claim 43 (emphases added).

Combinations of Yamaguchi, Matsumoto, Moroney, and Masunaga thus fail to establish a *prima facie* case of obviousness with respect to independent claim 43, at least because the references fail to teach each and every element of the claim. Claim 43 is therefore allowable for at least the reasons presented above.

Independent claim 53, while of different scope than claim 43, is also allowable for at least similar reasons as claim 43. Dependent claims 24, 25, 31-33, 39, 40, and 47 are also allowable at least due to their dependence on allowable independent claim 43.

Applicant respectfully traverses the rejection of claims 26, 27, 30, 34, and 46 as being unpatentable over Yamaguchi, Matsumoto, Moroney, Masunaga, and Atick.

Claims 26, 27, 30, 34, and 46 depend on independent claim 43. As noted above, combinations of Yamaguchi, Matsumoto, Moroney, and Masunaga do not teach or

suggest each and every element of independent claim 43. Atick fails to cure the deficiencies of Yamaguchi, Matsumoto, Moroney, and Masunaga. Atick does not teach or suggest "maintaining a counter of a number of refreshes that have occurred and a timer of a refresh time since the last image refresh, the refresh frequency rate being evaluated based on the counter and the timer; determining whether the user is inactive, and whether to refresh the image based on a value of the timer and the refresh frequency rate, and incrementing the counter when the image is refreshed; [and] re-evaluating the refresh frequency when the counter reaches a preset threshold value, wherein the re-evaluation of the refresh frequency causes the rate to increase, decrease, or completely stop refreshing of the image," as recited in amended independent claim 43 (emphases added). Accordingly, combinations of Yamaguchi, Matsumoto, Moroney, Masunaga, and Atick fail to teach each and every element of claims 26, 27, 30, 34, and 46. For at least this reason, claims 26, 27, 30, 34, and 46 distinguish over Yamaguchi, Matsumoto, Moroney, Masunaga, and Atick.

Applicant respectfully traverses the rejection of claims 23 and 41 as being unpatentable over Yamaguchi, Matsumoto, Moroney, Masunaga, and Sankaranarayan.

Claims 23 and 41 depend on independent claim 43. As noted above, Yamaguchi, Matsumoto, Moroney, and Masunaga do not teach or suggest each and every element of independent claim 43. Sankaranarayan fails to cure the deficiencies of Yamaguchi, Matsumoto, Moroney, and Masunaga. Sankaranarayan does not teach or suggest "maintaining a counter of a number of refreshes that have occurred and a timer of a refresh time since the last image refresh, the refresh frequency rate being evaluated based on the counter and the timer; determining whether the user is inactive,

and whether to refresh the image based on a value of the timer and the refresh frequency rate, and incrementing the counter when the image is refreshed; [and] re-evaluating the refresh frequency when the counter reaches a preset threshold value, wherein the re-evaluation of the refresh frequency causes the rate to increase, decrease, or completely stop refreshing of the image," as recited in amended independent claim 43 (emphases added). Accordingly, combinations of Yamaguchi, Matsumoto, Moroney, Masunaga, and Sankaranarayan fail to teach each and every element of claims 23 and 41. For at least this reason, claims 23 and 41 distinguish over Yamaguchi, Matsumoto, Moroney, Masunaga, and Sankaranarayan.

In view of the foregoing remarks, Applicant respectfully requests the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

If the Examiner believes a telephone conference would be useful in resolving any outstanding issues, the Examiner is invited to call the undersigned at (202) 408-4268.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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By: _____
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